



General Assembly

January Session, 2003

Amendment

LCO No. 7632

HB0625407632SD0

Offered by:

SEN. DAILY, 33rd Dist.

REP. O'CONNOR, 35th Dist.

REP. GIULIANO, 23rd Dist.

REP. SPALLONE, 36th Dist.

To: House Bill No. 6254

File No. 791

Cal. No. 530

"AN ACT CONCERNING ON-SITE WASTEWATER MANAGEMENT DISTRICTS AND ALTERNATIVE SUBSURFACE SEWAGE TREATMENT SYSTEMS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-245 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 For the purposes of this chapter: [, "acquire"] (1) "Acquire a sewerage
6 system" means obtain title to all or any part of a sewerage system or
7 any interest therein by purchase, condemnation, grant, gift, lease,
8 rental or otherwise; (2) "alternative sewage treatment system" means a
9 sewage treatment system serving one or more buildings that utilizes a
10 method of treatment other than a subsurface sewage disposal system
11 and that involves a discharge to the ground waters of the state; (3)

12 "community sewerage system" means any sewerage system serving
13 [one] two or more residences in separate structures which is not
14 connected to a municipal sewerage system or which is connected to a
15 municipal sewerage system as a distinct and separately managed
16 district or segment of such system; (4) "construct a sewerage system"
17 means to acquire land, easements, rights-of-way or any other real or
18 personal property or any interest therein, plan, construct, reconstruct,
19 equip, extend and enlarge all or any part of a sewerage system; (5)
20 "decentralized system" means managed subsurface sewage disposal
21 systems, managed alternative sewage treatment systems or community
22 sewerage systems that discharge sewage flows of less than five
23 thousand gallons per day, are used to collect and treat domestic
24 sewage, and involve a discharge to the groundwaters of the state from
25 areas of a municipality; (6) "decentralized wastewater management
26 district" means areas of a municipality designated by the municipality
27 through a municipal ordinance when an engineering report has
28 determined that the existing subsurface sewage disposal systems may
29 be detrimental to public health or the environment and that
30 decentralized systems are required and such report is approved by the
31 Commissioner of Environmental Protection with concurring approval
32 by the Commissioner of Public Health, within available
33 appropriations, after consultation with the local director of health; (7)
34 "municipality" means any metropolitan district, town, consolidated
35 town and city, consolidated town and borough, city, borough, village,
36 fire and sewer district, sewer district and each municipal organization
37 having authority to levy and collect taxes; (8) "operate a sewerage
38 system" means own, use, equip, reequip, repair, maintain, supervise,
39 manage, operate and perform any act pertinent to the collection,
40 transportation and disposal of sewage; (9) "person" means any person,
41 partnership, corporation, limited liability company, association or
42 public agency; (10) "remediation standards" means pollutant limits,
43 performance requirements, design parameters or technical standards
44 for application to existing sewage discharges in a decentralized
45 wastewater management district for the improvement of wastewater
46 treatment to protect public health and the environment; (11) "sewage"

47 means any substance, liquid or solid, which may contaminate or
48 pollute or affect the cleanliness or purity of any water; and (12)
49 "sewerage system" means any device, equipment, appurtenance,
50 facility and method for collecting, transporting, receiving, treating,
51 disposing of or discharging sewage, including, but not limited to,
52 decentralized systems within a decentralized wastewater management
53 district when such district is established by municipal ordinance
54 pursuant to section 7-247.

55 Sec. 2. Subsection (b) of section 7-246 of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2003*):

58 (b) Each municipal water pollution control authority designated in
59 accordance with this section may prepare and periodically update a
60 water pollution control plan for the municipality. Such plan shall
61 designate and delineate the boundary of: (1) Areas served by any
62 municipal sewerage system; (2) areas where municipal sewerage
63 facilities are planned and the schedule of design and construction
64 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
65 areas served by any community sewerage system not owned by a
66 municipality; [and] (5) areas to be served by any proposed community
67 sewerage system not owned by a municipality; and (6) areas to be
68 designated as decentralized wastewater management districts. Such
69 plan shall also describe the means by which municipal programs are
70 being carried out to avoid community pollution problems and describe
71 any programs wherein the local director of health manages subsurface
72 sewage disposal systems. The authority shall file a copy of the plan
73 and any periodic updates of such plan with the Commissioner of
74 Environmental Protection and shall manage or ensure the effective
75 supervision, management, control, operation and maintenance of any
76 community sewerage system or decentralized wastewater
77 management district not owned by a municipality.

78 Sec. 3. Section 7-247 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2003*):

80 (a) Any municipality by its water pollution control authority may
81 acquire, construct and operate a sewerage system or systems; may
82 enter upon and take and hold by purchase, condemnation or otherwise
83 the whole or any part of any real property or interest therein which it
84 determines is necessary or desirable for use in connection with any
85 sewerage system; may establish and revise rules and regulations for
86 the supervision, management, control, operation and use of a sewerage
87 system, including rules and regulations prohibiting or regulating the
88 discharge into a sewerage system of any sewage or any stormwater
89 runoff which in the opinion of the water pollution control authority
90 will adversely affect any part or any process of the sewerage system
91 except that any such rule or regulation regarding decentralized
92 systems shall be approved by the local director of health before such
93 rule or regulation may be effective; may enter into and fulfill contracts,
94 including contracts for a term of years, with any person or any other
95 municipality or municipalities to provide or obtain sewerage system
96 service for any sewage, and may make arrangements for the provision
97 or exchange of staff services and equipment with any person or any
98 other municipality or municipalities, or for any other lawful services.
99 The water pollution control authority of any municipality planning to
100 acquire, construct or operate a new or additional sewerage system
101 shall consider the feasibility of using the sewage collected by such
102 system as an energy source for the generation of electricity or the
103 production of other energy sources. The water pollution control
104 authority may establish rules for the transaction of its business. It shall
105 keep a record of its proceedings and shall designate an officer or
106 employee to be the custodian of its books, papers and documents.

107 (b) Following approval of an engineering report by the
108 Commissioner of Environmental Protection that includes concurrence
109 with such approval by the Commissioner of Public Health, within
110 available appropriations, and in consultation with the local director of
111 health, a municipality, acting in conjunction with its water pollution
112 control authority may, by ordinance, establish geographical areas of
113 decentralized wastewater management districts within such

114 municipality.

115 (1) Such ordinance may also include, following the approval of such
116 ordinance by the local director of health pursuant to such director's
117 authority under section 19a-207: (A) Remediation and technical
118 standards for the design and construction of subsurface disposal
119 systems that are more stringent than those imposed by the Public
120 Health Code; (B) authority for the local director of health to order the
121 upgrade of subsurface sewage disposal systems in accordance with
122 such remediation and technical standards; (C) authority for the local
123 director of health to establish criteria for the abandonment of
124 substandard subsurface sewage disposal systems; (D) authority for the
125 local director of health to order the property owner of a substandard
126 subsurface sewage disposal system that does not comply with such
127 remediation standards, technical standards or other criteria to abandon
128 such substandard subsurface sewage disposal system thus allowing
129 the water pollution control authority to order such owner to connect to
130 a sewerage system pursuant to section 7-256; (E) standards established
131 by the local director of health for the effective supervision,
132 management, control, operation and maintenance of managed
133 subsurface sewage disposal systems within such decentralized
134 wastewater management districts; or (F) authority for the water
135 pollution control authority to enact and amend regulations, following
136 the approval of such regulations by the local director of health, that
137 govern the supervision, management, control, operation and
138 maintenance of such decentralized systems.

139 (2) Such ordinance shall include remediation standards for the
140 design, construction and installation of alternative sewage treatment
141 systems and standards for the effective supervision, management,
142 control, operation and maintenance of alternative sewage treatment
143 systems within such decentralized wastewater management districts
144 that are consistent with any permit, order or recommendation of the
145 Commissioner of Environmental Protection.

146 (c) Notwithstanding any provision of the general statutes, an area

147 that is designated by ordinance of a municipality as a decentralized
148 wastewater management district shall not be a public sewer for
149 purposes of the Public Health Code.

150 (d) Nothing in this section shall be construed to limit the authority
151 of a local director of health, the Commissioner of Public Health or the
152 Commissioner of Environmental Protection.

153 Sec. 4. Section 7-257 of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective October 1, 2003*):

155 The water pollution control authority may order the owner of any
156 building to which a sewerage system is available to connect such
157 building with the system or order the owner to construct and connect
158 the building to an alternative sewage treatment system. No such order
159 shall be issued until after a public hearing with respect thereto after
160 due notice in writing to such property owner. Any owner aggrieved by
161 such an order may, within twenty-one days, appeal to the superior
162 court for the judicial district wherein the municipality is located. Such
163 appeal shall be brought to a return day of said court not less than
164 twelve or more than thirty days after service thereof. The judgment of
165 the court shall be final. If any owner fails to comply with an order to
166 connect, the water pollution control authority shall cause the
167 connection to be made and shall assess the expense thereof against
168 such owner.

169 Sec. 5. (NEW) (*Effective October 1, 2003*) Any oversight or monitoring
170 duties created for the Department of Public Health by the provisions of
171 section 1, 2 or 3 of this act shall be conducted within available
172 appropriations."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

Sec. 5	<i>October 1, 2003</i>
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